

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
WANDA MARSHALL, as POWER OF ATTORNEY
of EDWARD LEE MARSHALL,

Plaintiff,

Civil Action No: 1:25-cv-3839

- against -

VERIFIED COMPLAINT

UNITED STATES OF AMERICA,

Defendant.
-----X

Plaintiff, by her attorneys, ESSNER & KOBIN, LLP, complaining of the Defendant herein,
alleges the following upon information and belief:

AS AND FOR A FIRST CAUSE OF ACTION

1. At all times hereinafter mentioned, Plaintiff was and is a resident of the County of Queens, City and State of New York.
2. Pursuant to 28 U.S.C. 1346(b), this Court has jurisdiction over this matter.
3. On November 8, 2024, Plaintiff presented an administrative tort claim upon defendant UNITED STATES OF AMERICA (U.S. Department of Veteran Affairs).
4. On February 10, 2025, defendant UNITED STATES OF AMERICA denied Plaintiff's administrative tort claim.
5. This action is being commenced within six months of Defendant's mailing of their denial of Plaintiff's claim.
6. At all times relevant and hereinafter mentioned, defendant UNITED STATES OF AMERICA was and is the owner of the Margaret Cochran Corbin VA Medical Center Campus located at 423 East 23rd Street, New York, New York 10010 (Subject Premises).
7. At all times relevant and hereinafter mentioned, defendant UNITED STATES OF AMERICA operated the Margaret Cochran Corbin VA Medical Center Campus located at 423 East 23rd Street, New York, New York 10010.

8. At all times relevant and hereinafter mentioned, defendant UNITED STATES OF AMERICA managed the Margaret Cochran Corbin VA Medical Center Campus located at 423 East 23rd Street, New York, New York 10010.

9. At all times relevant and hereinafter mentioned, defendant UNITED STATES OF AMERICA maintained the Margaret Cochran Corbin VA Medical Center Campus located at 423 East 23rd Street, New York, New York 10010.

10. At all times relevant and hereinafter mentioned, defendant UNITED STATES OF AMERICA supervised the Margaret Cochran Corbin VA Medical Center Campus located at 423 East 23rd Street, New York, New York 10010.

11. At all times relevant and hereinafter mentioned, defendant UNITED STATES OF AMERICA controlled the Margaret Cochran Corbin VA Medical Center Campus located at 423 East 23rd Street, New York, New York 10010.

12. Defendant UNITED STATES OF AMERICA, its agents, servants and/or employees, undertook, agreed to and did render aid, assistance, supervision and nursing services to plaintiff EDWARD LEE MARSHALL on July 27, 2024 at the Subject Premises.

13. On or about July 27, 2024, Defendant, its agents, servants, and/or employees, were negligent & careless in connection with the ownership, operation, management, maintenance, supervision & control of the Margaret Cochran Corbin VA Medical Center Campus located at 423 East 23rd Street, New York, New York 10010, and in failing to properly provide plaintiff EDWARD LEE MARSHALL with aide, assistance & supervision while he was negligently and carelessly left unaided, unassisted, & unsupervised while in the lavatory at the Subject Premises thereby causing him to be violently precipitated to the ground resulting in his serious and severe injury.

14. As a result of the foregoing, plaintiff EDWARD LEE MARSHALL was caused to suffer serious, severe and permanent personal injuries, including but not limited to, the loss of

ability to ambulate, loss of function of lower and upper extremities, quadriparesis of all extremities, exacerbation of underlying conditions, mental anguish, loss of enjoyment of life, has and will continue to incur expenses for medical care and other consequential expenses, has been afflicted with irreversible, serious and severe permanently disabling personal injuries, and has suffered a diminished life expectancy.

15. Plaintiff's July 27, 2024 accident and his resultant injuries were caused wholly and solely by the carelessness and negligence of Defendant, their agents, servants, and/or employees, without any negligence or want of care on the part of plaintiff EDWARD LEE MARSHALL contributing thereto.

16. Plaintiff hereby demands a trial by jury as to all issues herein.


17. By reason of the foregoing, Plaintiff demands judgment against Defendant UNITED STATES OF AMERICA in the amount of Twenty Million (\$20,000,000.00) Dollars.

WHEREFORE, Plaintiff demands judgment against Defendant in the First Cause of Action, in the amount of Twenty Million Dollars (\$20,000,000.00), together with interest and costs.

Dated: Lake Success, New York
May 8, 2025

Yours, etc.

ESSNER & KOBIN, LLP



JASON M. KOBIN
Attorneys for Plaintiff
3000 Marcus Avenue, Suite 3W8
Lake Success, New York 11042
(212) 750-4949

VERIFICATION

JASON M. KOBIN, an attorney duly admitted to practice in the State of New York, affirms the following under penalties of perjury:

I am a member of the law firm of ESSNER & KOBIN, LLP, attorneys for the Plaintiff in this matter.

I have read the foregoing VERIFIED COMPLAINT and know the contents thereof, and upon information and belief, I believe the matters alleged therein to be true.

This Verification is made by myself and not by the Plaintiff because Plaintiff resides in a county other than the one in which Plaintiff's attorneys maintain their offices.

The source of my information and the grounds for my belief are the communications, papers, records, reports and investigation contained in the file.

Dated: Lake Success, New York
May 8, 2025



JASON M. KOBIN